

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE JOINT RESOLUTION 8

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 9, SECTION 14 OF THE  
CONSTITUTION OF NEW MEXICO TO PERMIT THE STATE, AN  
INSTRUMENTALITY OF THE STATE AND LOCAL GOVERNMENTS TO PROVIDE  
OR PAY A PORTION OF THE COST OF LAND, BUILDINGS OR NECESSARY  
FINANCING FOR AFFORDABLE HOUSING PROJECTS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. It is proposed to amend Article 9, Section 14  
of the constitution of New Mexico to read:

"Neither the state nor any county, school district or  
municipality, except as otherwise provided in this  
constitution, shall directly or indirectly lend or pledge its  
credit or make any donation to or in aid of any person,  
association or public or private corporation or in aid of any  
private enterprise for the construction of any railroad except

.161912.1

underscored material = new  
[bracketed material] = delete

1 as provided in Subsections A through F of this section.

2 A. Nothing in this section prohibits the state or  
3 any county or municipality from making provision for the care  
4 and maintenance of sick and indigent persons.

5 B. Nothing in this section prohibits the state from  
6 establishing a veterans' scholarship program for Vietnam  
7 conflict veterans who are post-secondary students at  
8 educational institutions under the exclusive control of the  
9 state by exempting such veterans from the payment of tuition.  
10 For the purposes of this subsection, a "Vietnam conflict  
11 veteran" is any person who has been honorably discharged from  
12 the armed forces of the United States, who was a resident of  
13 New Mexico at the original time of entry into the armed forces  
14 from New Mexico or who has lived in New Mexico for ten years or  
15 more and who has been awarded a Vietnam campaign medal for  
16 service in the armed forces of this country in Vietnam during  
17 the period from August 5, 1964 to the official termination date  
18 of the Vietnam conflict as designated by executive order of the  
19 president of the United States.

20 C. The state may establish by law a program of  
21 loans to students of the healing arts, as defined by law, for  
22 residents of the state who, in return for the payment of  
23 educational expenses, contract with the state to practice their  
24 profession for a period of years after graduation within areas  
25 of the state designated by law.

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1           D. Nothing in this section prohibits the state or a  
 2 county or municipality from creating new job opportunities by  
 3 providing land, buildings or infrastructure for facilities to  
 4 support new or expanding businesses if this assistance is  
 5 granted pursuant to general implementing legislation that is  
 6 approved by a majority vote of those elected to each house of  
 7 the legislature. The implementing legislation shall include  
 8 adequate safeguards to protect public money or other resources  
 9 used for the purposes authorized in this subsection. The  
 10 implementing legislation shall further provide that:

11                   (1) each specific county or municipal project  
 12 providing assistance pursuant to this subsection need not be  
 13 approved by the legislature but shall be approved by the county  
 14 or municipality pursuant to procedures provided in the  
 15 implementing legislation; and

16                   (2) each specific state project providing  
 17 assistance pursuant to this subsection shall be approved by  
 18 law.

19           E. Nothing in this section prohibits the state, or  
 20 the instrumentality of the state designated by the legislature  
 21 as the state's housing authority, or a county or a municipality  
 22 from:

23                   (1) donating [~~land owned by the state, county~~  
 24 ~~or municipality~~] or otherwise providing or paying a portion of  
 25 the costs of land for the construction on it of affordable

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1 housing;

2 (2) donating [~~an existing building owned by~~  
3 ~~the state, county or municipality for~~] or otherwise providing  
4 or paying a portion of the costs of construction or renovation  
5 of affordable housing or the costs of conversion or renovation  
6 of buildings into affordable housing; or

7 (3) providing or paying the costs of financing  
8 or infrastructure necessary to support affordable housing  
9 projects.

10 F. The provisions of Subsection E of this section  
11 are not self-executing. Before the described assistance may be  
12 provided, enabling legislation shall be enacted by a majority  
13 vote of the members elected to each house of the legislature.  
14 This enabling legislation shall:

15 (1) define "affordable housing";

16 (2) establish eligibility criteria for the  
17 recipients of land, buildings and infrastructure;

18 (3) contain provisions to ensure the  
19 successful completion of affordable housing projects supported  
20 by assistance authorized pursuant to Subsection E of this  
21 section;

22 (4) require a county or municipality providing  
23 assistance pursuant to Subsection E of this section to give  
24 prior formal approval by ordinance for a specific affordable  
25 housing assistance grant and include in the ordinance the

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1 conditions of the grant; [~~and~~]

2 (5) require prior approval by law of [~~a~~  
3 ~~specific~~] an affordable housing assistance grant by the state;  
4 and

5 (6) require the governing body of the  
6 instrumentality of the state, designated by the legislature as  
7 the state's housing authority, to give prior approval, by  
8 resolution, for affordable housing grants that are to be given  
9 by the instrumentality."

10 Section 2. The amendment proposed by this resolution  
11 shall be submitted to the people for their approval or  
12 rejection at the next general election or at any special  
13 election prior to that date that may be called for that  
14 purpose.